

the hearing. Defendant Humphrey complied with the Court's request and when the hearing on the Motion reconvened, the Court indicated it would re-set the hearing on the Motion at a later date.

Since the time of the April 8th hearing on the Motion, Wyndham has obtained additional and highly relevant proof regarding the Motion. Specifically, Wyndham issued subpoenas to two entities providing website domain hosting services: (1) eNom, Inc. and (2) Whois Privacy Protection Services (the "Website Subpoenas"). [See Docket Entry Nos. 126, 127]. The purpose of the Website Subpoenas was to ascertain the ownership and control of the website www.takingontimeshare.com. This website is identical to the previous website operated by Defendants Humphrey and TOA, www.theownersadvocate.com, including solicitation of customers seeking to breach their timeshare contracts and multiple disparaging references regarding Wyndham. A true and correct copy of portions of www.takingontimeshare.com containing references to Wyndham is attached hereto as Exhibit A.

As this Court is well aware, the Amended Injunction required Defendants to remove any references to Wyndham from any website owned, controlled, or affiliated with any Defendant. [Docket Entry No. 63]. Further, in his most recent pleading submitted to the Court, Defendant Humphrey stated unequivocally that, "[N]either David Humphrey nor anyone associated with him has continued to reference Wyndham on any website controlled by David Humphrey, or his agents, in violation of this Court's orders." [See Docket Entry No. 125, page 2]. The documentation received by Wyndham in response to the Website Subpoenas established that this statement is entirely false and that Defendant Humphrey continues to mislead the Court regarding his conduct and compliance with this Court's Orders.

Attached hereto as Exhibit B is the response of eNom, Inc. to the Website Subpoena issued by Wyndham. The documentation received from eNom, Inc. shows that the domain name www.takingontimeshare.com is registered to and owned by an entity called "Data Networking Solutions" and that the President of such entity is Defendant David Humphrey. Further, the documentation received in response to the Website Subpoenas shows that the bills for the domain name, including the most recent bill of April 15, 2010, are sent to David Humphrey at the same address used on Defendant Humphrey's own filings with this Court – 5318 Tidwell Hollow Road, Nashville, Tennessee 37218. [See Docket Entry No. 125, Signature Block, p. 8].

The information received in response to the Website Subpoenas is compelling evidence that not only does Defendant Humphrey continue to violate the terms of the Amended Injunction, but he has also made false statements in his pleadings submitted to the Court. Further, because the website www.takingontimeshare.com is soliciting customers for the same services as provided by Defendant TOA, it is evident that Defendant Humphrey is continuing his business efforts under a different name in an attempt to hide his conduct and avoid the implications of this Court's Orders.

For the reasons set forth herein and in Wyndham's Motion, the continued and blatant violations of this Court's Orders by Defendants Humphrey and TOA should subject Defendants Humphrey and TOA to orders of contempt and significant sanctions. Plaintiff respectfully requests this honorable Court set the Motion for hearing at its earliest convenience, enter an order for Defendants TOA and David Humphrey to show cause why they should not be held in civil contempt for violation of the TRO, Injunction and Amended Injunction and to find Defendants TOA and David Humphrey liable to Wyndham for no less than \$285,000 in liquidated damages and \$2,800 in attorneys' fees.

Respectfully submitted,

/s/ Courtney S. Gilmer

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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May, 2010, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail, first-class postage prepaid. Parties may access this filing through the Court's electronic filing system.

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